TWENTY-FIRST ANNUAL REPORT

1985-86

ONTARIO LAW REFORM COMMISSION

Ministry of the Attorney General

The Ontario Law Reform Commission was established on May 8, 1964 by section 1 of the *Ontario Law Reform Commission Act*. Section 2(1) of the Act states that it is the function of the Commission to inquire into and consider any matter relating to (a) reform of the law having regard to the statute law, the common law and judicial decisions; (b) the administration of justice; (c) judicial and quasi-judicial procedures under any Act; and (d) any subject referred to it by the Attorney General. The Commissioners are:

JAMES R. BREITHAUPT, CStJ, CD, QC, MA, LLB,
Chairman

H. ALLAN LEAL, OC, QC, LLM, LLD, DCL,
Vice Chairman

HONOURABLE RICHARD A. BELL, PC, QC, LLD

WILLIAM R. POOLE, QC

BARRY A. PERCIVAL, QC (to January 22, 1986)

EARL A. CHERNIAK, QC (from March 6, 1986)

J. ROBERT S. PRICHARD, MBA, LLM (from March 6, 1986)

MARGARET A. ROSS, BA (Hon.), LLB (from March 6, 1986)

M. Patricia Richardson, MA, LLB, is Counsel to the Commission. The Secretary to the Commission is Diane L. Murdoch. The Commission's office is located on the Fifteenth Floor at 18 King Street East, Toronto, Ontario, Canada M5C 1C5.

ISSN 0474-1862

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Ontario
Law Reform
Commission

To The Honourable Ian Scott, QC
Attorney General for Ontario

Dear Mr. Attorney:

We have the honour to present the Twenty-First Annual Report of the Ontario Law Reform Commission, for the period April 1, 1985 to March 31, 1986.

INTRODUCTION

This is the Twenty-First Annual Report of the Ontario Law Reform Commission, which reports for the period from April 1, 1985 to March 31, 1986. The major portion of the year has been devoted to preparing final Reports on a number of projects that are now substantially complete. In December, 1985, the Commission received a Reference from the Attorney General on Political Activity by Crown Employees. In addition, we have initiated two projects, which will consider Compensation for Personal Injury and Death, and the Liability of the Crown.

On June 9, 1985, the members and staff of the Commission mourned the death of Lachlan R. MacTavish, Esq., QC, who served us for fifteen years as a legislative draftsman. A testimonial to him was placed in our Minutes, and a copy was sent to his widow. The testimonial appears as Appendix A to this Report.

On September 23, 1985, more than one hundred of the friends, colleagues and associates of the Honourable James C. McRuer, OC, LLD, DCL, gathered in Convocation Hall at Osgoode Hall for the unveiling of his portrait in bronze, which was created by Kenneth Jarvis, Esq., QC, RCA. Mr. McRuer, a former Chief Justice of the High Court of Ontario, was the first Chairman of the Commission, the Vice Chairman until 1977, and a Member of the Commission until 1982. The event was the first public occasion attended by Ontario's new Lieutenant Governor, the Honourable Lincoln Alexander, PC, QC. Guest speakers were the Honourable Ian G. Scott, QC, Attorney General for Ontario, the Honourable William Howland, Chief Justice of Ontario, and Pierre Genest, Esq., QC, the Treasurer of the Law Society of Upper Canada. Mr. McRuer spoke with great feeling in reply and thanked each one present for the honour done to him.

We were all deeply saddened just two weeks later by the death of Mr. McRuer, on October 6, 1985. The Commission's debt to Mr. McRuer cannot be overestimated. The sentiments of the Commission on his death are more fully expressed in a testimonial, which was placed in the Minutes of our October meeting, and which is attached to this Report as Appendix B.

On January 22, 1986, Barry A. Percival, Esq., QC, retired from the Ontario Law Reform Commission on the completion of his second three year term. The Commission's appreciation of the contribution of Mr. Percival is recorded in the Minutes of its February, 1986 meeting. An extract from those Minutes is attached to this Report as Appendix C.

On March 6, 1986, three new Commissioners were appointed by Order of the Lieutenant Governor in Council. They are Earl A. Cherniak, Esq., QC, of London; Dean J. Robert S. Prichard of the Faculty of Law, University of Toronto; and Mrs. Margaret A. Ross of Ottawa.

On June 30, 1986, the Honourable Richard A. Bell, PC, QC, LLD, and William R. Poole, Esq., QC, will retire from the Commission after exemplary service since their appointments on November 12, 1964.

As in the past, the Commission has continued to receive suggestions for additions to its programme from members of the judiciary, the legal profession and the public. The Commission appreciates this interest in its work, and wishes to extend its thanks to all those who have taken the time to assist it in this way.

THE PROGRAMME: REFERRED MATTERS

Section 2(1)(d) of the *Ontario Law Reform Commission Act* requires the Commission to inquire into and consider any matter relating to any subject referred to it by the Attorney General. During the past year, one new project, Political Activity by Crown Employees, was referred to the Commission. The Commission has already reported with respect to all other References it has received.

PROJECTS IN PROCESS

Political Activity by Crown Employees

On December 16, 1985, the Commission received a Reference to inquire into and report on the law relating to political activity by Crown employees. The following excerpt from the Letter of Reference contains the terms of reference:

> In accordance with clause 2(1)(d) of the *Ontario Law Reform Commission Act*, I am now pleased to refer to the Commission for its consideration and report, to be completed by next July 1, the following issues in respect of the ability of Crown employees to speak out on public issues or take part in political activity.
>
> 1. What restrictions on activities by Crown employees are required to ensure their independence and impartiality.
>
> 2. Whether and to what extent the existing law and practices governing Crown employees restrict their activities beyond the extent necessary to ensure the existence and appearance of independence and impartiality.
>
> 3. Whether and to what extent changes to existing law and practices governing activities by Crown employees are necessary or desirable having regard to the Canadian Charter of Rights and Freedoms and the laws and practices of other comparable jurisdictions.
>
> 4. Whether and to what extent changes should be made in the oath of secrecy or the law relating to that oath in conjunction with any changes recommended.
>
> 5. Whether and to what extent the common law in relation to an employee's duty of loyalty and confidentiality bears on the above issues.
>
> In considering these issues, I would ask that you bear in mind that different considerations may apply to different groups of Crown employees, such as civil servants and public servants, and to different classifications and job descriptions.

In view of the Attorney General's request that the Commission report by July 1, 1986, work on the project commenced forthwith. An Announcement, setting forth the terms of reference and inviting the submission of briefs, was placed in a large number of newspapers throughout the Province, and Public Hearings were held in Toronto, Ottawa and North Bay. The Commission was most fortunate to secure the services of Kenneth P. Swan, Esq., of the Ontario Bar, as Project Consultant. In addition, Kenneth Kernaghan, Professor of Politics and Public Administration, Brock University, has been retained to assist the Commission. A Research Design has been prepared by Mr. Swan and approved by the Commission, and research is well underway.

THE PROGRAMME: PROJECTS INITIATED BY THE COMMISSION

Under its founding statute, the Commission may inquire into and consider any matter relating to reform of the law. During the year under review, the Commission initiated two projects, dealing with Compensation for Personal Injury and Death, and Liability of the Crown.

PROJECTS IN PROCESS

1. *Administration of Estates of Deceased Persons*

The objective of this project is a new *Administration of Estates Act*, which would bring together and revise relevant portions of the *Trustee Act*, the *Estates Administration Act*, and the provisions governing practice under the *Surrogate Courts Act* and Rules. The new Act would also codify and revise a number of common law doctrines that now govern estate administration. During the past year, certain residual issues were resolved, and work continued on the writing of the Commission's final Report.

The Project Director is Professor George W. Alexandrowicz of the Faculty of Law, Queen's University. During the project, the Commission has benefited from the assistance of an Advisory Committee of experts in estate administration, constituted under the chairmanship of Malcolm Archibald, Esq., QC, of the Ontario Bar.

2. *The Hague Convention Concerning the International Administration of the Estates of Deceased Persons*

The Commission's study of the question whether the Hague Convention Concerning the International Administration of the Estates of Deceased Persons should be given effect in Ontario began some years ago as a separate project. Since this matter is closely related to the Commission's Project on Administration of Estates of Deceased Persons, however, the Commission decided to examine the Convention as part of that

project, in the context of a general consideration of the estates of foreign decedents. The International Convention will be dealt with in the Commission's *Report on Administration of Estates of Deceased Persons*.

3. *Basic Principles of Land Law*

As indicated in our Annual Report a year ago, work is progressing on the writing of the Commission's final *Report on Basic Principles of Land Law*. Two substantial chapters have been submitted to the Commission for approval. Although the work has been interrupted from time to time to accommodate the performance of more urgent tasks, it is anticipated that this project will be completed in the coming fiscal year.

4. *The Law of Mortgages*

The Law of Mortgages Project is concerned with three main topics: (1) proper disclosure to borrowers and potential borrowers; (2) the mortgage as an ongoing relationship; and (3) mortgage remedies. The project has been conducted in three stages. The first stage involved consultation by the Project Director, Barry J. Reiter, Esq., of the Ontario Bar, with representatives of various interest groups in the mortgages area in order to identify issues requiring remedial legislation. During the next stage, nine research papers were prepared by a Research Team and considered by an Advisory Committee comprising representatives of the legal profession, consumer groups, and institutional lenders. The Commission subsequently considered and gave tentative approval to a Research Report prepared by the Project Director and outlining the general policies upon which reform proposals would be based.

The third stage of the project involved the preparation of a further set of ten research papers, which elaborated upon and refined the general reform proposals of the second stage. Following extensive consultation with the Research Team and the Advisory Board, a Director's Report was prepared, which, together with the second set of research reports, was given detailed consideration by the Commission in April, 1984.

In April, 1985, a Draft Act was prepared and presented to the Advisory Board for its views. A revised version of that Act, as well as several residual issues, were considered by the Commission in May and September, 1985.

The Commission's final Report is now substantially complete, and we are awaiting the assistance of a legislative draftsman in order to finalize the Draft Act.

5. *Time Sharing*

This project involves an examination of all aspects of the present law governing time sharing in Ontario and other jurisdictions for the purpose of determining the need for enabling and regulatory legislation in the Province.

The research for the project is complete and has been reviewed by an Advisory Committee comprising members of the legal profession, government officials, and other knowledgeable, interested parties. The Commission has taken all policy decisions arising out of the research, and the writing of the final Report has commenced.

Unfortunately, work on the project has had to be deferred, due to a change in the membership of our legal staff and receipt from the Attorney General of the Reference on Political Activity by Crown Employees. Upon completion of the Reference, we intend to turn our attention once again to preparation of the final Report.

6. *Law of Contract Amendment*

The Law of Contract Amendment Project has involved the preparation of some seventeen research papers dealing with issues of contract formation and with other substantive and remedial issues. During the past year the editing of the final *Report on Amendment of the Law of Contract* was substantially completed, and we are now awaiting assistance in the preparation of a Draft Act.

As in the past, we continue to be most ably assisted by the joint Project Directors, Professor Jacob S. Ziegel and Professor Stephen M. Waddams, both of the Faculty of Law, University of Toronto.

7. *The Law of Standing*

The Law of Standing Project is concerned with the question whether the law governing the right of a private individual to commence an action in respect of public rights should be broadened.

Research for the project has been carried out, initially by Andrew Roman, Esq., of the Ontario Bar, and latterly under the direction of Professor W. A. Bogart, of the Faculty of Law, University of Windsor. The research is now complete and has been considered by the Research Team. It is expected that the Project Director's Research Report, containing concrete proposals for reform of the law, will be placed before the Commission for consideration in the early summer.

8. *Contribution Among Wrongdoers*

As indicated in previous Annual Reports, this project deals with the allocation of responsibility for loss or damage occasioned by the conduct of two or more persons, and with the law relating to contributory negligence, which also involves the apportionment of loss.

Nine research papers have been prepared and considered by the Commission during the course of the project, which is being directed by Professor John M. Evans, Associate Dean of Osgoode Hall Law School, York University. In addition, the Commission has received from Professor Evans a draft Report and draft legislation.

Unfortunately, due to other commitments, it has not been possible during the past year to prepare the final Report and Draft Act for submission to the Attorney General. Upon completion of the Reference on Political Activity by Crown Employees, and submission of our Reports relating to the law of contracts and the law of mortgages, we intend to devote our energies to the completion of this important project during the coming fiscal year.

9. *Land Held Subject to French Title*

This project is being directed by R. E. Priddle, Esq., QC, former Director of the Legal and Survey Standards Branch, Ministry of Consumer and Commercial Relations. The project is concerned with conveyancing problems that arise in connection with land, including land held subject to French title, in respect of which there is no Crown patent.

During the past year, the Project Director prepared a working paper, which will be considered by the Commission in the near future.

10. *Wrongful Life, Wrongful Birth and Related Actions*

Initially, the Commission's study of so-called wrongful life, wrongful birth, wrongful conception or pregnancy, and dissatisfied life claims took place in the context of its Project on Human Artificial Reproduction and Related Matters, completed in March, 1985. Because such actions may arise in circumstances other than those involving the use of artificial conception technologies, however, a separate project was constituted, and a preliminary working paper was prepared by a member of the Commission's internal legal staff. Subsequently, further research was deferred pending a re-evaluation of the Commission's commitment to the project. No further decision has been taken.

11. *Remedies for Wrongful Interference with Goods*

This project examines recaption of chattels, the specific relief remedies of replevin and detinue, and damages remedies, such as trespass, conversion and interference with a reversionary interest.

The project is being directed by joint Project Directors, Professor George R. Stewart, of the Faculty of Law, University of Windsor, and Professor Ralph L. Simmonds, Associate Dean of the Faculty of Law, McGill University.

All stages of the project are complete, and the Commission has received a draft Report and draft legislation from the Project Directors. Unfortunately, because of other priorities, we have been unable to commence preparation of the final Report and Draft Bill. Nevertheless, with the projected completion of several projects in the coming months, we hope to be able to turn our attention to the project once again and to complete it within the current fiscal year.

12. *Compensation for Personal Injury and Death*

In November, 1985, the Commission added to its programme a project on Compensation for Personal Injury and Death. Professor Stephen M. Waddams, of the Faculty of Law, University of Toronto, has been appointed Project Director.

It is anticipated that the project will proceed over approximately two years. The topics to be examined include the following: pre-trial losses; non-pecuniary loss, including compensation for loss of guidance, care and companionship under the *Family Law Act, 1986*, compensation for mental distress, and monetary limits on non-pecuniary loss; loss of future earning capacity in the case of injury to or death of wage earners and non-wage earners; future care costs; collateral benefits; exemplary damages; pre-judgment interest; income tax considerations; and periodic payments and structured settlements.

A Notice inviting submissions from persons interested in the operation of this area of the law has been published. A Research Team has been appointed, and research will be carried out over the summer months. Subsequently the research will be evaluated by an Advisory Board, which will include members of the judiciary, the legal profession and government, and representatives of the insurance industry.

13. *Liability of the Crown*

As the result of a suggestion from a member of the profession, the Commission has decided to undertake a project dealing with liability of the Crown. Professor Peter W. Hogg, of the Faculty of Law, Osgoode Hall Law School, York University, has agreed to act as Project Director, and a research design, prepared by Professor Hogg, has been approved by the Commission.

The project is intended to extend over a two year period, and will examine the legal liability of the Crown, with a view to simplifying the law, bringing it into conformity with the *Canadian Charter of Rights and Freedoms*, and making it fairer to both Crown and subject. The main

focus of the project will be the *Proceedings Against the Crown Act*, which provides the existing statutory framework for proceedings against the Crown in right of Ontario, dealing with both substantive and procedural law.

Research on the project will commence in May, 1986, and will address, in particular, the following topics: the history and theory of Crown liability; the remedies available against the Crown, including the procedure for obtaining and enforcing those remedies, and the nature of and justification for special rules or immunities applicable to the Crown; the doctrine of Crown privilege; the liability of the Crown in tort and in contract; the extent to which the Crown is bound by the law of estoppel; and the extent to which the Crown is, and should be, bound by statute. Thereafter, the research generated by the project will be reviewed by an Advisory Board of experts.

FUTURE PROGRAMME

The importance attached by the Commission to the timely completion of the Reference on Political Activity by Crown Employees has necessitated the temporary suspension of work on a number of projects scheduled for submission to the Attorney General during the period under review, particularly the Law of Mortgages and Law of Contract Amendment projects. The Commission will continue to devote the majority of its resources to completion of the Reference by July 1, 1986, as requested by the Minister. Thereafter, priority will be accorded to publication of the several Reports that are in the final stages of preparation.

As projects are completed, projects that have been deferred will be reactivated and new topics will be considered for study. As indicated, the Commission is always open to suggestions concerning areas of the law that require reform.

GENERAL ACTIVITIES

The list of the activities of the Chairman appears as Appendix D to this Report. Appendix E lists those who have visited the Commission during the past year.

In addition to visitors to our office during the year, the Chairman was pleased to meet with members of the Kenya Law Reform Commission, who were visiting Washington, D.C., and Ottawa in August, 1985. Instead of coming to Toronto as they has planned, the Chairman arranged for them to visit Halifax, Nova Scotia, during the meeting of the Uniform Law Conference of Canada. The members of the Kenya Commission also attended the annual meeting of the Law Reform Conference of Canada, where they met with members of all the provincial law reform agencies, as well as with members of the Law Reform Commission of Canada. The members attending from Kenya were the Honourable Mr. Justice C.H.E.

Miller, EBS, Chairman, and three Commissioners, Madame Justice E. Owuor, G. K. Waruhiu, Esq., and J. A. Couldrey, Esq. They were accompanied by their Secretary, E. O. Abang, Esq.

Also attending the meeting of the Law Reform Conference of Canada held in Halifax, Nova Scotia on August 17, 1985, was M. A. Springman, Esq., Senior Legal Research Officer to the Commission.

Mr. Springman spoke to the Annual Meeting of the Ontario Association of Sheriffs and Court Registrars on September 14, 1985. On October 15, 1985, he was a panelist at a meeting of the Health Law Section, Canadian Bar Association-Ontario, on the topic "Production or Reproduction". On February 19, 1986 he and Larry Fox, Esq., of our legal staff, participated in a conference of the Southern Ontario *In Vitro* Fertilization Group, held at the Department of Obstetrics and Gynecology at McMaster University, in Hamilton.

ACKNOWLEDGMENTS

Attached to this Report are seven Appendices relating to the activities and staff of the Commission and to events of importance during the past year.

Appendices A and B record the sentiments of the Commission upon the passing of L. R. MacTavish, Esq., QC, and the Honourable J. C. McRuer, OC, LLD, DCL. Appendix C relates to a change in the membership of the Commission during the year.

Appendix D deals with the activities of the Chairman during the period under review. Appendix E lists the visitors to the Commission during the year. Appendix F sets out a list of Reports prepared and submitted by the Commission since its inception in 1964, together with a table indicating the extent to which legislation concerning our proposals has been enacted.

Appendix G contains a list of the officers and permanent staff of the Commission. The Commission regrets the loss during the past year of Ms. Ann M. Merritt, Legal Research Officer, who left the Commission to join the Policy Development Division of the Ministry of the Attorney General. To Ms. Merritt we wish to express our appreciation for her contribution to our work and our wishes for success in the future. To J. Jody Morrison, Esq., who joined the Commission as a member of the legal staff, we extend a sincere welcome. We also wish to thank our Administrative Officer, Mrs. Diane Murdoch, and the administrative staff for their cooperation and efforts on behalf of the Commission during the past year.

May we also express our sincere thanks and appreciation to you, Mr. Attorney, and to the officers of your Ministry, for the interest and assistance afforded the Commission in its endeavours.

All of which is respectfully submitted.

James R. Breithaupt
Chairman

H. Allan Leal
Vice Chairman

Richard A. Bell
Commissioner

William R. Poole
Commissioner

Earl A. Cherniak
Commissioner

J. Robert S. Prichard
Commissioner

Margaret A. Ross
Commissioner

March 31, 1985

APPENDIX A

TESTIMONIAL TO LACHLAN R. (DOUK) MacTAVISH, QC

Extract from the Minutes of the Ontario Law Reform Commission, November 4, 1985

The Commission agreed to approve the following tribute to Mr. MacTavish, which was prepared by Dr. Leal:

Lachlan Randolph (Douk) MacTavish died on Sunday, June 9, 1985 in his 81st year. We mourn his death and give thanks for a life and friendship generously shared.

Lachlan MacTavish was an accomplished lawyer and an outstanding legal draftsman. He served from 1947 to 1970 as senior legislative draftsman for the Province of Ontario. The excellence of form and the ready accessibility in current terms of the Revised Statutes of Ontario are in no small measure attributable to his great talents and abundant energy.

After his formal retirement, he consented to place his broad experience and many skills at the disposal of the Ontario Law Reform Commission and the many draft bills submitted as part of the Commission reports bear the stamp of his genius. He was a substantial contributor to the work of the Commission.

He was also a dedicated and loyal supporter of the work of the Uniform Law Conference of Canada, as a member, as President for two terms in 1953 and 1954 and as permanent Executive Secretary from 1973 to 1981. As a representative of that body, he was part of the Canadian delegation to The Hague Conference on Private International Law in 1968, the year in which Canada was admitted to membership.

Lachlan was proud of the fact that the MacTavish clan was a sept of the Clan Campbell, and he served as Secretary of the Canadian Financial Campaign Committee devoted to raising funds for the restoration of the ancestral seat of the Duke of Argyle at Inverary.

In his private life Douk was an avid and successful curler and held executive offices in curling associations at both the national and international level. His hospitality at his curling club was generous and high spirited. We have, indeed, lost a loyal friend and close associate.

We would ask that our deepest sympathy and strong support be communicated to Elizabeth, his wife, and the members of his family.

APPENDIX B

TESTIMONIAL TO THE HONOURABLE JAMES C. McRUER, OC, LLD, DCL

Extract from the Minutes of the Ontario Law Reform Commission, October 7, 1985, upon the death of the Honourable James C. McRuer, OC, LLD, DCL

In Memoriam

THE HONOURABLE
JAMES CHALMERS McRUER, OC, LLD, DCL

Born August 23, 1890
Died October 6, 1985

We mourn the passing of our first Chairman, the Honourable J.C. McRuer, OC, LLD, DCL, sometime Chief Justice of the High Court, Supreme Court of Ontario. The record will show that he was

Chairman	July 1, 1964 June 30, 1966
Vice Chairman	July 1, 1966 Feb. 8, 1977
Member	July 1, 1964 June 1, 1982

But he was much more to us than the bare record discloses. He was our mentor, colleague and friend. It was he who, at an age when others seek to retire and lay down the burden, seized the opportunity of an early formal retirement from the Bench to launch a new and brilliant career in the public service through the advancement of law reform.

Mr. McRuer inspired the legislation which led to the formation and the form of the Ontario Law Reform Commission, with its more than twenty years of solid accomplishment in the service of the people of Ontario and beyond.

He amazed us by his energy. He was an inspiration to us in the disciplined devotion which he brought to his daily tasks. Thoroughness of research, with clarity of thought and expression in making his proposals for reform, were his hallmark and the surest of guides to his colleagues and associates joined in the common cause. His door was never shut. His warmth and openness encouraged a stream of visits to his office by the legal and permanent staff. He welcomed the opportunity to discuss and solve problems, not only legal problems, but also any other problem encountered by those with whom he worked. While of strong views, he was open to ideas and debate, and was always willing to change his position if a better argument was presented. To each individual, regardless of position, he accorded equal courtesy and respect.

He is now gone from us, but the shining example of his life and work point the way for others to follow.

APPENDIX C

TRIBUTE TO BARRY A. PERCIVAL, QC

Extract from the Minutes of the Ontario Law Reform Commission, February 3, 1986, on the retirement from the Commission of Barry A. Percival, QC

A warm and enthusiastic tribute was moved by Mr. Bell, seconded by Dr. Leal, and unanimously carried in the following terms:

We are deeply gratefuly to Barry A. Percival, QC, for his outstanding contribution to the work of the Ontario Law Reform Commission during the six years he has served as a Commissioner. Our colleague was an obvious and happy choice for appointment because of his deserved reputation as an outstanding student, being a double first in engineering and law, a highly competent and respected practitioner and a dedicated and creative law reformer. His commitment to the cause of law reform predated his formal association with the Commission and we trust will continue despite the severance of his formal ties with it.

We have the highest respect and admiration for our former colleague and wish him well in all that lies ahead for him.

APPENDIX D

ACTIVITIES OF THE CHAIRMAN

1985

April 18	Guest Speaker, "Law Reform and the Charter of Rights", Law Day 1985, at Bingeman Park, Kitchener.
June 10	Guest Speaker, on the role of law reform commissions and the function of lawyers working for them, Section on Research and Policy Analysis, Canadian Bar Association — Ontario, Toronto.
July 12	Introduced in the Ontario Legislature by the Attorney General on the First Reading of Bill 34, the *Freedom of Information and Protection of Privacy Act*. The Bill is based on a model Bill introduced and debated on several occasions whilst the Chairman was a Member of the Provincial Parliament.
July 14-24	Attended the lecture series of the Canadian Institute for Advanced Legal Studies, at Queen's College, Cambridge, England.
August 11-16	As a Commissioner for Ontario, attended the annual meeting of the Uniform Law Conference of Canada, in Halifax, Nova Scotia.
August 17	Attended the annual meeting of the Law Reform Conference of Canada, in Halifax, Nova Scotia, with M.A. Springman, Esq.
August 18-22	As a member of the National Council, attended the annual meeting of the Canadian Bar Association, in Halifax, Nova Scotia.
September 18	Guest Speaker, "The Law, Politics, the Military and Patriotism", The Royal Commonwealth Society, Albany Club, Toronto.
September 23	Attended the unveiling of a portrait in bronze of the Honourable James C. McRuer, OC, LLD, DCL, at Osgoode Hall, Toronto. The Vice Chairman, Commissioners, Counsel and certain members of the legal staff also attended.
October 9	Attended the funeral services of the late Honourable James C. McRuer, in Toronto, together with the Vice Chairman, Commissioners, Counsel and staff members.

October 15	Attended a meeting of the Health Law Section, Canadian Bar Association — Ontario, where the topic was "Production or Reproduction" and the Commission's *Report on Human Artificial Reproduction and Related Matters* was discussed. M. A. Springman, Esq., was a panelist, and the Vice Chairman, and Larry Fox, Esq., also attended.
October 22	Guest Speaker on the history and work of the Commission, Waterloo-Wellington Estate Planning Council, Kitchener.
October 31	Meeting with members of the Nielsen Task Force on Program Review, to discuss reform of the justice system in Canada. A presentation on the work of the Ontario Law Reform Commission was made to assist the Task Force in its review of the Law Reform Commission of Canada.
November 1	Guest Speaker, Commencement activities, Forest Heights Collegiate, Kitchener.
November 9	Guest Speaker, Remembrance banquet, Branch 530, Royal Canadian Legion, Waterloo.
December 5	Guest Speaker, Travelers Insurance Canada, Board of Directors, to discuss the impact of the family law reform legislation on the insurance industry.
1986	
February 20	Guest Speaker on the history and work of the Ontario Law Reform Commission, Toronto Chapter of Executive Women International.
February 27	Panelist to discuss reconciliation as an option to the retributive basis for the current criminal justice system, annual meeting of Community Justice Initiatives, Kitchener-Waterloo.
March 18	Met with Ontario Legislative Interns to discuss the history, activities and responsibilities of the Ontario Law Reform Commission.

APPENDIX E

VISITORS TO THE COMMISSION

1985

May 3	Jack Hodder, Esq., Barrister, and Ms. L. Longworth, Solicitor, both of Wellington, New Zealand, met with the Chairman and the Vice Chairman to discuss plans to create a New Zealand Law Reform Commission. This has since been accomplished, and Mr. Hodder is one of the Members of the New Zealand Commission.
June 3-5	Trevor Aldridge, Esq., a Commissioner of the English Law Commission, visited and had two days of meetings with various local experts, lawyers, and developers involved with condominium law, an area currently being studied in England and Wales.
September 9	The Honourable Mr. Justice Allen M. Linden, President of the Law Reform Commission of Canada, and Professor C.H.C. Edwards, QC, Chairman of the Manitoba Law Reform Commission, visited to discuss the future prospects of the Law Reform Conference of Canada and to begin plans for the 15th Anniversary events of the Law Reform Commission of Canada in May, 1986.
September 24	Anthony Lucky, Esq., the Corporate Secretary of the Royal Bank of Trinidad and Tobago Limited, met with the Chairman and the Vice Chairman and David Watt, Esq., of the Ministry of the Attorney General to discuss the admissibility of computer records into evidence in criminal trials.
October 1	Professor Patrick Schultz, Maître de Conference de Droit Public at the University of Lille, in Paris, visited to discuss various current issues in administrative law and policy.

1986

March 12	Lindsay Curtis, Esq., Deputy Secretary of the Attorney General's Department, Canberra, Australia, visited to discuss with the Vice Chairman and Counsel issues of administrative law and our new project on Crown liability.

APPENDIX F

REPORTS OF THE ONTARIO LAW REFORM COMMISSION

	Title	Date of Report	Original Legislation Concerning Commission Proposals
1.	Report No. 1 [The Rule Against Perpetuities]	February 1, 1965	*The Perpetuities Act, 1966*, S.O. 1966, c. 113
2.	Report No. 1A: The Perpetuities Act, 1965 [Supplementary Report on the Rule Against Perpetuities]	March 1, 1966	*do.*
3.	Report No. 2 [The Wages Act: Assignment of Wages]	March 3, 1965	*The Wages Amendment Act, 1968*, S.O. 1968, c. 142
4.	Report No. 3 on Personal Property Security Legislation	May 28, 1965	*The Personal Property Security Act, 1967*, S.O. 1967, c. 72
5.	Report No. 3A on Personal Property Security Legislation	May 18, 1966	*do.*
6.	Report on The Evidence Act: Admissibility of Business Records	February 16, 1966	*The Evidence Amendment Act, 1966*, S.O. 1966, c. 51, s. 1
7.	Report on The Mechanics' Lien Act	February 22, 1966	*The Mechanics' Lien Act, 1968-69*, S.O. 1968-69, c. 65
8.	Supplementary Report on The Mechanics' Lien Act	May 26, 1967	*do.*
9.	Report on the Proposed Extension of Guarantor's Liability on Construction Bonds	May 30, 1966	See *The Mechanics' Lien Amendment Act, 1975*, S.O. 1975, c. 43 *The Ministry of Transportation and Communications Creditors Payment Act, 1975*, S.O. 1975, c. 44 *The Public Works Creditors Payment Repeal Act, 1975*, S.O. 1975, c. 45
10.	Report on The Execution Act: Exemption of Goods from Seizure	December 9, 1966	*The Execution Amendment Act, 1967*, S.O. 1967, c. 26
11.	Report on The Law of Condominium	March 6, 1967	*The Condominium Act, 1967*, S.O. 1967, c. 13

	Title	Date of Report	Original Legislation Concerning Commission Proposals
12.	Report on the Basis for Compensation on Expropriation	September 21, 1967	*The Expropriations Act, 1968-69*, S.O. 1968-69, c. 36
13.	Report on the Limitation Period for Actions under The Sandwich, Windsor and Amherstburg Railway Act, 1930	January 8, 1968	*The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1968*, S.O. 1968, c. 120
14.	Annual Report 1967	January 15, 1968	Not applicable
15.	Report on Certain Aspects of the Proposed Divorce Legislation Contained in Bill C-187	January 19, 1968	*Divorce Act*, S.C. 1967-68, c. 24, s. 26
16.	Report on the Proposed Adoption in Ontario of The Uniform Wills Act	February 5, 1968	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 See *The Registry Amendment Act, 1978*, S.O. 1978, c. 8, s. 1
17.	Report on The Protection of Privacy in Ontario	September 10, 1968	See *The Consumer Reporting Act, 1973*, S.O. 1973, c. 97
18.	Report on Section 183 of The Insurance Act	October 3, 1968	—
19.	Report on Trade Sale of New Houses	October 4, 1968	See *The Ontario New Home Warranties Plan Act, 1976*, S.O. 1976, c. 52
20.	Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies	December 10, 1968	*The Landlord and Tenant Amendment Act, 1968-69*, S.O. 1968-69, c. 58
21.	Report on Limitation of Actions	February 3, 1969	See *The Highway Traffic Amendment Act (No. 2), 1975*, S.O. 1975, c. 37 *The Fatal Accidents Amendment Act, 1975*, S.O. 1975, c. 38 *The Trustee Amendment Act, 1975*, S.O. 1975, c. 39
22.	Second Annual Report 1968	April 7, 1969	Not applicable
23.	Report on the Age of Majority and Related Matters	June 3, 1969	*The Age of Majority and Accountability Act, 1971*, S.O. 1971, c. 98

	Title	Date of Report	Original Legislation Concerning Commission Proposals
24.	Report on the Status of Adopted Children	June 3, 1969	*The Child Welfare Amendment Act, 1970*, S.O. 1970, c. 96, s. 23
25.	Report on Family Law, Part I: Torts	November 4, 1969	*The Family Law Reform Act, 1978*, S.O. 1978, c. 2 (partial implementation)
26.	Report on Section 20 of The Mortgages Act	March 12, 1970	*The Mortgages Amendment Act, 1970*, S.O. 1970, c. 54, s. 1
27.	Report on Family Law, Part II: Marriage	April 6, 1970	*The Civil Rights Statute Law Amendment Act, 1971*, S.O. 1971, c. 50, s. 55 (partial implementation) *The Marriage Act, 1977*, S.O. 1977, c. 42
28.	Third Annual Report 1969	April 20, 1970	Not applicable
29.	Report on Actions Against Representatives of Deceased Persons	November 30, 1970	*The Trustee Amendment Act, 1971*, S.O. 1971, c. 32, s. 2
30.	Report on the Coroner System in Ontario	January 25, 1971	*The Coroners Act, 1972*, S.O. 1972, c. 98
31.	Report on Sunday Observance Legislation	February 26, 1971	*The Retail Business Holidays Act, 1975*, S.O. 1975 (2nd Session), c. 9 *Courts of Justice Act, 1984*, S.O. 1984, c. 11, s. 134
32.	Report on Land Registration	March 23, 1971	See *The Corporations Tax Amendment Act (No. 2), 1979*, S.O. 1979, c. 89 *Land Registration Reform Act, 1984*, S.O. 1984, c. 32
33.	Fourth Annual Report 1970	March 31, 1971	Not applicable
34.	Report on The Change of Name Act	May 31, 1971	*The Change of Name Amendment Act, 1972*, S.O. 1972, c. 44 *Change of Name Act, 1986*, S.O. 1986, c. 7
35.	Report on The Mortgages Act, Section 16	June 18, 1971	—
36.	Report on Development Control	September 28, 1971	*The Planning Amendment Act, 1973*, S.O. 1973, c. 168, s. 10

	Title	Date of Report	Original Legislation Concerning Commission Proposals
37.	Report on Powers of Attorney	January 11, 1972	*The Powers of Attorney Act, 1979*, S.O. 1979, c. 107 *Powers of Attorney Amendment Act, 1983*, S.O. 1983, c. 74 *Mental Health Amendment Act, 1983*, S.O. 1983, c. 75
38.	Report on Occupiers' Liability	January 11, 1972	*The Occupiers' Liability Act, 1980*, S.O. 1980, c. 14
39.	Report on Consumer Warranties and Guarantees in the Sale of Goods	March 31, 1972	—
40.	Report on Review of Part IV of The Landlord and Tenant Act	March 31, 1972	*The Landlord and Tenant Amendment Act, 1972*, S.O. 1972, c. 123
41.	Fifth Annual Report 1971	March 31, 1972	Not applicable
42.	Report on the Non-Possessory Repairman's Lien	October 4, 1972	—
43.	Report on the Administration of Ontario Courts, Part I	February 26, 1973	See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31 *The Judicature Amendment Act (No. 2), 1977*, S.O. 1977, c. 51, s. 9 *Courts of Justice Act, 1984*, S.O. 1984, c. 11, ss. 19 and 25
44.	Sixth Annual Report 1972	March 31, 1973	Not applicable
45.	Report on the Administration of Ontario Courts, Part II	May 23, 1973	See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31
46.	Report on Family Law, Part III: Children	September 25, 1973	*The Child Welfare Amendment Act, 1975*, S.O. 1975, c. 1 (partial implementation) *The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation)

	Title	Date of Report	Original Legislation Concerning Commission Proposals
			The Children's Law Reform Act, 1977, S.O. 1977, c. 41 (partial implementation)
			See *Children's Law Reform Amendment Act, 1982*, S.O. 1982, c. 20
47.	Report on The Solicitors Act	September 28, 1973	*Courts of Justice Act, 1984*, S.O. 1984, c. 11, s. 214(6)
48.	Report on Motor Vehicle Accident Compensation	November 6, 1973	—
49.	Report on the Administration of Ontario Courts, Part III	December 17, 1973	*The Judicature Amendment Act, 1975*, S.O. 1975, c. 30 (partial implementation)
			See *The Administration of Courts Project Act, 1975*, S.O. 1975, c. 31
			The Small Claims Courts Amendment Act, 1977, S.O. 1977, c. 52 (partial implementation)
50.	Report on Family Law, Part IV: Family Property Law	February 8, 1974	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation)
			The Family Law Reform Act, 1978, S.O. 1978, c. 2 (partial implementation)
			Family Law Act, 1986, S.O. 1986, c. 4 (partial implementation)
			See *The Land Titles Amendment Act, 1978*, S.O. 1978, c. 7
			The Registry Amendment Act, 1978, S.O. 1978, c. 8

	Title	Date of Report	Original Legislation Concerning Commission Proposals
51.	Report on Family Law, Part V: Family Courts	February 8, 1974	See *The Unified Family Court Act, 1976*, S.O. 1976, c. 85 *The Children's Probation Act, 1978*, S.O. 1978, c. 41 (partial implementation)
52.	Seventh Annual Report 1973	May 6, 1974	Not applicable
53.	Report on the International Convention Providing a Uniform Law on the Form of the International Will	July 3, 1974	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40, s. 42
54.	Eighth Annual Report 1974	March 31, 1975	Not applicable
55.	Report on Family Law, Part VI: Support Obligations	April 18, 1975	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40 (partial implementation) *The Family Law Reform Act, 1978*, S.O. 1978, c. 2
56.	Report on Mortmain, Charitable Uses and Religious Institutions	February 27, 1976	*The Religious Organizations' Lands Act, 1979*, S.O. 1979, c. 45 *The Anglican Church of Canada Act, 1979*, S.O. 1979, c. 46 *The Registry Amendment Act, 1979*, S.O. 1979, c. 94, s. 17 *Charities Accounting Amendment Act, 1982*, S.O. 1982, c. 11 *Mortmain and Charitable Uses Repeal Act, 1982*, S.O. 1982, c. 12, s. 1(1)
57.	Report on Landlord and Tenant Law	March 15, 1976	*The Residential Tenancies Act, 1979*, S.O. 1979, c. 78 (partial implementation)
58.	Report on the Law of Evidence	March 29, 1976	—
59.	Ninth Annual Report 1975	March 31, 1976	Not applicable
60.	Report on Changes of Name	August 16, 1976	*The Change of Name Amendment Act, 1978*, S.O. 1978, c. 28

	Title	Date of Report	Original Legislation Concerning Commission Proposals
			The Vital Statistics Amendment Act, 1978, S.O. 1978, c. 81, s. 1 (partial implementation)
			Change of Name Act, 1986, S.O. 1986, c. 7 (partial implementation)
			Vital Statistics Amendment Act, 1986, S.O. 1986, c. 9 (partial implementation)
61.	Report on the Impact of Divorce on Existing Wills	February 28, 1977	*The Succession Law Reform Act, 1977*, S.O. 1977, c. 40, s. 17(2)
62.	Tenth Annual Report 1976	March 31, 1977	Not applicable
63.	Eleventh Annual Report 1977	March 31, 1978	Not applicable
64.	Report on Sale of Goods	March 30, 1979	—
65.	Twelfth Annual Report 1978	March 30, 1979	Not applicable
66.	Report on Products Liability	November 16, 1979	—
67.	Thirteenth Annual Report 1979	March 31, 1980	Not applicable
68.	Report on the Enforcement of Judgment Debts and Related Matters, Part I	February 20, 1981	—
69.	Report on the Enforcement of Judgment Debts and Related Matters, Part II	March 31, 1981	*Wages Amendment Act, 1983*, S.O. 1983, c. 68 (partial implementation)
			Proceedings Against the Crown Amendment Act, 1983, S.O. 1983, c. 88
			Courts of Justice Act, 1984, S.O. 1984, c. 11, s. 177 (partial implementation)
			Rules of Civil Procedure, O. Reg. 560/84, r. 60 (partial implementation)
70.	Report on the Enforcement of Judgment Debts and Related Matters, Part III	March 31, 1981	Rules of Civil Procedure, O. Reg. 560/84, r. 60.07(16) and (17)
71.	Fourteenth Annual Report 1980-81	March 31, 1981	Not applicable
72.	Report on Witnesses Before Legislative Committees	September 11, 1981	—
73.	Report on Class Actions	March 31, 1982	—

	Title	Date of Report	Original Legislation Concerning Commission Proposals
74.	Fifteenth Annual Report 1981-82	March 31, 1982	Not applicable
75.	Report on the Enforcement of Judgment Debts and Related Matters, Part IV	March 31, 1983	—
76.	Report on the Enforcement of Judgment Debts and Related Matters, Part V	March 31, 1983	*Creditors' Relief Amendment Act, 1985*, S.O. 1985, c. 1 (partial implementation)
77.	Report on Powers of Entry	March 31, 1983	—
78.	Sixteenth Annual Report 1982-83	March 31, 1983	Not applicable
79.	Report on the Law of Trusts	March 30, 1984	—
80.	Seventeenth Annual Report 1983-84	March 30, 1984	Not applicable
81.	Report on Human Artificial Reproduction and Related Matters	March 15, 1985	—
82.	Twentieth Anniversary Report 1984-85	September 1, 1985	Not applicable
83.	Twenty-First Annual Report 1985-86	March 31, 1986	Not applicable

Many of the Commission's earlier Reports are no longer in print. Those that are still in print may be ordered from Publications Service, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, Canada, M7A 1N8.

APPENDIX G

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Counsel	M. Patricia Richardson, MA, LLB
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Legal Research Officers	Larry M. Fox, LLB Marilyn R. Leitman, BA, LLM Judith A. Bellis, BA, LLB J. Jody Morrison, BA (Hon.), LLM
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